

# MARYLAND BOARD OF MORTICIANS AND FUNERAL DIRECTORS

## OPEN SESSION MINUTES

**JUNE 12, 2019**

- I. **CALL TO ORDER/GREETINGS:** The meeting was called to order by D. Lynn Newman, President. President Newman called for the approval of May's minutes. A motion was seconded and approved.

*Board Members Present:* D. Lynn Newman, President; Michele Kutta, Board Secretary; Dr. Mark Bailey 2<sup>nd</sup> Vice President ; Dr. Ahmed Elzaree; Kirk A. Helfenbein; Victor C. March, Sr.; Lynn Shuppel; Robert Lang; Melanie Oppat.

*Board Members Absent:* Wayne Cooper, Esq., Robert Bradshaw

*Board Staff:* Thomas Anderson, Health Occupations Inspector; Carla Boyd, Esq., Board Counsel.

*Board Staff Absent:* Gail V. Tucker, Executive Director; Eula Gautreaux, Licensing Chief; Lisa Woods, Office Secretary

- II. **PRESIDENT'S REMARKS:** President Newman welcomed everyone and stated since he was one of the four that would exit the Board, he had the following comments," It has been an interesting 8 years, and he had enjoyed every minute of it, and would be remiss if he didn't recommend this to anyone as an experience either as a consumer or in his profession and that it is very enlightening to see what regulations can be established and how they can impact our industry.

President Newman also stated there was one change to the open session agenda, the election of officers and secretary and the voting results from the open session to closed session.

- III. **ADMINISTRATIVE REPORT:**

President Newman reported Executive Director Gail Tucker could not be present due to health concerns, and he would be reading her report. "Good Afternoon. I do apologize that I am physically unable to personally present the administrative report for June, 2019.

I would like to extend a special thank you to our four exceptional Board members whose term is now complete, but whose work will never be forgotten. You have served the death care industry selflessly. Your contributions and vital insight into subject-matter and consumer protections, which have helped to guide this Board forward, is a blueprint for continued success. I am humbled and honored to have serve with you." – Gail V. Tucker, Executive Director

*Board News and Updates:*

New Board Member Orientation will take place on Monday, October 7<sup>th</sup> at UMBC. New members and those who have yet to receive orientation are strongly encouraged to attend. Ethics, roles and responsibilities, and protocols are defined.

On May 22, 2019 at 6:00 p.m. a Special Open Meeting via teleconference took place to discuss legislative updates; proposed Board regulations to amend and/or appeal existing COMAR regulations; and proposed FY20 legislation.

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On June 7, 2019, the Secretary's Office forwarded its position to decline, to include the proposed in the apprenticeship requirements in the FY20 legislative package. However, the decision does not prevent an Association or another entity, from introducing the Concept – the Board may at that time support the proposed Bill. 2<sup>nd</sup> Vice President & Legislative Chair Dr. Mark Bailey will provide regulations update later on the agenda.

Other pertinent FY20 legislation that is moving forward is an Omnibus Bill to update Boards, Commissions and Councils under the purview of the Department of Health, to include: modernizing member seats for a more viable slate of applicants; revising membership to ensure Boards are comprised of individuals with 'specific' expertise; ensuring Board duties are more aligned with Federal and State requirements and best practices; ensuring Boards are following attendance and ethics requirements; and changing the appointing authority for 'some' Boards.

In September 2020, the Occupational Safety and Health Administration (OSHA) will review a number of industry standards, like workplace safety, which apply to the funeral and cremation industries. There will be a public comment period.

The Conference Model Internship Program has been approved and adopted. Although this Board decided an unpaid internship would not be in its best interest, it is designed to offer supervised training as a ridge between education and entry into the profession for students and recent graduates while broadening their knowledge and practice of funeral service. A program guide, which provides useful templates to help meet the needs of regulatory boards, associations and funeral establishments, is included in your red correspondence folder.

The Funeral Rule, published by the Federal Trade Commission (FTC), is up for review for the first time in ten years, and will soon be soliciting public comments. The Funeral Rule are guidelines that all funeral providers must comply with. The FTC's contact for this review is Ms. Patricia Poss, who also presented at the ICFS Conference in San Diego, and she can be reached at 202-326-2413. The most recent edition was provided to Board members in March.

FY19 Year-to-Date "income" Summary is as follows: Corporation Renewals- \$54,600; Establishment Renewals-\$195,000; Mortician Renewals-\$257,100; Surviving Spouse Renewals- \$5400; Funeral Director Renewals-\$3600; Courtesy Card Renewals- \$30,900; and Late Fees-\$3600.

Also affecting our industry The Federal Real ID Act passed by Congress. In order to get a Real ID compliant driver's license, you must physically go to a DMV office with your identification, such as birth certificate or passport, and proof of social security number (SS card, paystub, W-2) with your full SSN. You are able to use your current State-issued driver's license until it expiration or October 1, 2020- whichever comes first.

#### IV. **COMMITTEE REPORTS:**

- a. **Executive Committee** –No report.
- b. **Family Security Trust Fund Advisory Committee** – Chair Victor C. March, Sr. reported as of June 12, 2019 the trust is \$1,105, 058.01.
- c. **Pre-Need Committee** – No Report.
- d. **Establishment Committee** – Chair Dr. Ahmed Elzaree reported on the following establishments. Motion was seconded and approved for the following:

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**JUNE 12, 2019**

I. Brooks Clinton Funeral Service, P.A.

- e. **Licensure Committee** – Chair Michele Kutta reported on the following:
- i. Apprentice – Ms. Kutta moved for approval for apprenticeship. Motion was seconded and approved for the following:  
Sandra Baker, Donaldson Funeral Home  
Rachel Gulley, Jolley Memorial Chapel  
Jordan Fenner, C&S Fredlock Funeral Home  
Michael Flowers, Pumphrey Funeral Home  
Carolyn Wilkie, Schimunek Funeral Home
  - ii. Apprentice Sponsor Change - Ms. Kutta moved for approval for sponsor apprentice change. Motion was seconded and approved for the following:  
Stacey Downton, March Funeral Home  
Mr. March recused himself from this vote.  
Angela Eiss, Thibadeau Mortuary  
Lisa VanderWalle, Thibadeau Mortuary
  - Mortician – Ms. Kutta moved for approval of mortician. Motion was seconded and approved for the following:  
Brandon Ellis  
Mary Jo Hazelbaker  
Sydney Heinle  
Terri Moon-Attas  
Trudy Ann Riley  
Sierra White
  - iii. Mortician by Waiver of Apprenticeship Requirements – Ms. Kutta moved for approval of mortician’s license. Motion was seconded and approved for the following:  
Donita Greene  
Dimitra Johnson
  - iv. Crematory Operator – Ms. Kutta moved for approval of crematory operator permit. Motion was seconded and approved for the following:  
Michael Scott Georgulas, McComas Family Funeral Homes
  - v. Courtesy Card Holders - Ms. Kutta moved for approval for courtesy card holders. Motion was seconded and approved for the following:  
Anthony Lee Wilson
  - vi. Registered Transporters - Ms. Kutta moved for approval of registered transporters. Motion was seconded and approved for the following:  
Samuel Friend ,AGR  
Jessica D. Smith, AGR
- f. **Continuing Education Units Committee** –Chair Lynn Shuppel deferred the report to Kirk Helfenbein. Kirk first thanked Lynn Shuppel for her dedication as Chair of the CEU committee. He also reiterated all MSFDA ceu’s have been approved. Finally, Kirk reported on the following CEUs –motion was seconded and approved.

# MARYLAND BOARD OF MORTICIANS AND FUNERAL DIRECTORS

## OPEN SESSION MINUTES

**JUNE 12, 2019**

1. NFDA – 2019 National Funeral Directors Association Annual Convention – 10/27-10/30/2019 – Various Ceu's.
2. ICCFA – 2019 ICCFA University – 7/19-7/27/2019 – 24 Ceu's.
3. NFDA – Breakout by Office – 7/14/2019 – 2 Ceu's
4. Funeral Directors Association of Metropolitan Washington – Tissue Gas, Head and Facial Trauma, Delayed Embalming, Jaundice, Adapting to a New Environment & Maryland Pre-need – 9/11/19 – 6 Ceu's.
5. Funeral Directors Association of Metropolitan Washington – The Ethics of Organ & Tissue Donation, A Comparison of Funeral Service in the USA with Select Foreign Countries, How to Say Goodbye, Ethically, FTC Review, OSHA Updates, and ADA updates. – 9/10/2019 – 6 Ceu's.
6. CANA – CANA's 101<sup>st</sup> Cremation Innovation Convention – 7/31-8/2/2019 – 10 Ceu's.

V. **OLD BUSINESS:**

The Family Security Trust Fund remains at its ceiling. No contributions are due at this time.

**NEW BUSINESS:**

In Executive Director Tucker's absence, Dr. Kim Lang presented Service Awards the Board members leaving the Board, Victor March Sr., Wayne Cooper, Lynn Shuppel and D. Lynn Newman.

VI. **FOR YOUR INFORMATION:**

Next Board Meeting - 07/10; Jurisprudence Exam - 07/09. Disposition of Remains Forfeiture of Waiver of Rights will be effective 10/1/2019. New Board Member Orientation 10/7/2019.

VII. **LEGISLATIVE/REGULATION UPDATE:**

Dr. Mark Bailey reported over the past 5 or 6 months he and Lillian Reese have been working on our legislative updates, including the Legislative Committee. As the Chair, we have made a conference call on May 22, 2019. It was open to the public to listen on to see what regulations the Board was putting forth. All the regulations the Board has addressed has tried to identify fallacies, false, problematic issues. So we what we have done is compiled all of this data. Dr. Bailey asked Lillian Reese to better explain the legislative process.

A motion was seconded and approved for the Board to define the word employment in 10.29.09.02(11) for clarity.

A motion was seconded and approved for the pass rate for individuals taking the law examination be lowered from 75% to 70% and the practical examination shall be administered by a licensed Board member and graded on a pass/fail score.

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- VIII. **Adjournment:** With no further business, pursuant to Maryland State Government Article, Code §10-501 et. Seq., on a motion by President D. Lynn Newman, and properly seconded, the Board unanimously voted to conclude the meeting.

Respectfully submitted,

Lisa Woods  
Recording Secretary